ATCC

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

USAMRIID
Attn: Erik A. Henchal, Ph.D.
1425 Porter Street
Ft. Detrick
Frederick, MD 21702-5011

Deposited on Behalf of: Commander, U.S. Army Medical Research Institute of Infectious Diseases, 1425 Porter Street, Ft. Detrick, Frederick, MD 21702-5011

Identification Reference by Depositor:	**Patent Deposit Designation**
Escherichia coli, BLR DE3 pET19B, Tube #76 (F1-V) Dated 7/98	PTA-5750

The deposit was accompanied by: __ a scientific description _ a proposed taxonomic description indicated above.

The deposit was received January 8, 2004 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 3, 2004. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris

Marie Harris, Patent Specialist, ATCC Patent Depository

Date: February 25, 2004

cc: Elizabeth A. Arwine, Esq.
Ref: Docket or Case No.: RIID 96-8/003/029/SAP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Examiner: Duffy, P.

Heath *et al.* Group Art Unit: 1645

Serial No.: 08/699,716 Atty Docket: 003/029/SAP

Filed: August 27, 1996

For: Recombinant F1-V Plague Vaccine

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Verified Statement of Deposit

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

I, Dr. Arthur M. Friedlander, do state the following:

1. I have read and understood Application Serial No. 08/699,716 including the claims;

2. I have worked on the project related to the pF1-V plasmid since the inception of the pF1-V plasmid. Vials of the bacterial culture *E. coli* BLR DE3 containing pF1-V were stored in the freezer after their initial preparation and testing. The culture from one of these vials was amplified to provide samples for deposit at ATCC, for the purposes of patent procedure. Therefore, I am in a position to corroborate that the construct Escherichia coli, BLR DE3 pET19B, Tube #76 (F1-V) assigned PTA-5750 deposited at ATCC on January 8, 2004, is identical to the biological material

described in the specification and in the applicants' possession at the time the application was filed.

3. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 1 March 2004

Dr. Arthur M. Friedlander